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E.I. DUPONT DE NEMOURS AND COMPANY))	
)	
Complainant,)	
)	
v.)	Docket No. NOR 42125
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY)	
)	
Defendant.)	
)	
)	<i>228610</i>

E.I. du Pont de Nemours and Company (“DuPont”), hereby submits this “Motion for Procedural Schedule” in the above-captioned proceedings. DuPont requests that the Board adopt the procedural schedule set forth in Exhibit A to this Motion. Counsel for defendant, Norfolk Southern Railway Company (“NSR”) has authorized counsel for DuPont to represent that NSR does not oppose this motion.

1

especially important to the fair and efficient prosecution of these cases. The dates in the proposed procedural schedules in all three dockets have been coordinated in order to minimize timing and resource conflicts; to provide the parties and the Board with adequate time to develop, present, and evaluate the evidence; and to produce timely decisions in these cases.¹

No procedural schedule has previously been requested or adopted in this proceeding, which is the most recently filed of the three complaints. The proposed schedule adheres closely to the time periods proposed in Docket Nos. 42121 and 42123, and the proposed dates are carefully coordinated with the proposed dates in those other dockets. Any modification to any one of the proposed schedules could cause significant conflicts with the other schedules.

WHEREFORE, for the foregoing reasons, the Complainants respectfully request that the Board adopt the procedural schedule proposed for this case (Docket No. 42125) in Exhibit A to this Motion.

Respectfully submitted,



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January 10, 2011

¹ For the convenience of the Board, Exhibit A sets forth the proposed procedural schedules in all three dockets.

Exhibit A
Proposed Procedural Schedules


<u>Action</u>	<u>Docket No. 42121: TPI v. CSXT</u>	<u>Docket No. 42123: M&G v. CSXT</u>	<u>Docket No. 42125: DuPont v. NSR</u>
Shortline Railroad Discovery Objections Due	Feb. 1, 2011		
Shortline Railroad Discovery Responses Completed	March 1, 2011		
TPI Opening Evidence	April 29, 2011		
M&G/CSXT Joint Operating Characteristics Due		May 11, 2011	
M&G Opening Evidence		June 29, 2011	
DuPont Discovery Closes			June 30, 2011
CSX Reply to TPI	August 29, 2011		
DuPont/NSR Joint Operating Characteristics			Sept. 14, 2011
CSX Reply to M&G		Oct. 28, 2011	
DuPont Opening Evidence			Oct. 31, 2011
TPI Rebuttal Evidence	Dec. 20, 2011		
TPI/CSXT Briefs	Jan 31, 2012		
M&G Rebuttal Evidence		March 7, 2012	
NS Reply Evidence			March 7, 2012
M&G/CSXT Briefs		April 7, 2012	
DuPont Rebuttal Evidence			June 29, 2012
DuPont/NSR Briefs			Aug. 17, 2012

CERTIFICATE OF SERVICE

I hereby certify that this 10th day of January 2011, I served a copy of the foregoing via e-mail and first class mail upon:

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